

# PROHIBITED GAMBLING ACTIVITIES AND CRIMINAL PENALTIES



## A WORD OF CAUTION...

Conducting an illegal activity may result in the filing of a **criminal action** against **you, your organization** and / or its **officers**. All real property or currency associated with illegal gambling could be subject to forfeiture per RCW 9.46.231.

If you are in doubt about the legality of a specific activity, get the facts before you act. Contact an attorney, your local Gambling Commission office listed below, or our Lacey office at (800) 345-2529.

Northwestern Region (Everett)  
(425) 339-1728, Ext. 221  
EverettFO@wsgc.wa.gov

Southwestern Region (Tacoma)  
(253) 471-5312, Ext. 221  
TacomaFO@wsgc.wa.gov

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(509) 329-3666, Ext. 228  
SpokaneFO@wsgc.wa.gov

## INTRODUCTION

Profiting from the operation of a gambling activity is illegal in the State of Washington UNLESS SPECIFICALLY AUTHORIZED BY LAW. This brochure will explain the gambling activities that have been specifically prohibited by law and the applicable state statutes. For those gambling activities that have been authorized by law to be conducted, please refer to the companion brochure titled, "Unlicensed Gambling Activities."

GAMBLING is defined in RCW 9.46.0237 as "staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome." In summary, if the activity involves the three elements of **Consideration, Chance, and Prize**, the activity is gambling. Profiting from that activity, unless specifically *authorized* within the gambling statute (RCW 9.46) may be prohibited.

## ACTIVITIES SPECIFICALLY PROHIBITED

### Bookmaking (RCW 9.46.0213)

Bookmaking is punishable as a felony. "Bookmaking" means accepting bets or wagers on the outcome of a future event, most typically, but not limited to sporting events, when:

- the activity is conducted as a business; or
- the bettor is charged a fee or "vigorous" for the opportunity to place a bet.

### Animal Fighting Presence at an Event

Professional gambling is generally involved when any animal fighting event is conducted (see definition on next page).

In addition, several state laws prohibit the training of animals to fight and fighting animals, as well as being present at such an event, whether or not professional gambling is taking place. Refer to the following appropriate statutes:

Causing an Animal to Fight.....	RCW 16.52.113
Dog Fighting .....	RCW 16.52.117
Cockfighting .....	RCW 16.52.120
Training Birds to Fight.....	RCW 16.52.130

### Gambling Devices

RCW 9.46.0241 (Slot machines, video poker, video pull tabs, and other electronic games for chance). Gambling devices are illegal in the State of Washington. However, there is an exception for antique slot machines, which are classified as follows:

- it is at least 25 years old (antique); and
- it is not operated for gambling purposes.

Operation of an antique slot machine is legal only if it is played at no cost or with coins provided at no cost by the owner.

An operator may award a prize for high score only if an electronic amusement or video game requires **skill** instead of **chance** to win.

**SEE "UNLICENSED GAMBLING  
ACTIVITIES" BROCHURE FOR A  
LISTING OF AUTHORIZED  
UNLICENSED GAMBLING ACTIVITIES.**

## OTHER PROHIBITED ACTIVITIES

### Card and Dice Games

- Only a licensed cardroom may charge players a fee for chair rental. Otherwise, no one may collect a fee or percentage of the wagers from card players. This applies to a private residence as well as a nonprofit club. This does not prevent players from collecting their winnings.

**NOTE:** Check with your local law enforcement agency for any local ordinances which may prohibit card playing.

- A charitable / nonprofit organization with a Restaurant – Spirits, Beer & Wine liquor license that allows members to play cards or dice on the premises per RCW 9.46.0351 may NOT allow nonmembers to play without first obtaining the proper license.
- Commercial food / drink businesses may not allow patrons to play cards if there is a wager involved unless the appropriate license has been granted to the business. Patrons MAY NOT roll dice for money.

### Raffles

- Only charitable / nonprofit organizations may conduct a raffle. Raffles include activities such as "cow plop", rubber duck races or other similar games of chance that require an entry fee.
- Commercial businesses and private individuals may not charge a fee, either directly or indirectly, to enter a drawing, even if the proceeds are to benefit a nonprofit cause.

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This is a condensed version of the criminal statutes. Please refer to the RCW for actual language.

### Professional Gambling – RCW 9.46.0269

A person is engaged in "professional gambling" if, acting other than as a **player**, the person:

- knowingly engages in conduct which materially aids any form of gambling activity;
- knowingly pays a fee to participate in a card game, contest of chance, lottery, or other gambling activity; or
- knowingly accepts or receives money or other property from participation in a gambling activity.

In addition, "professional gambling" can be charged if:

- the person engages in bookmaking;
- the person conducts a lottery; or
- the person violates RCW 9.46.039.

Conduct may include activity directed toward:

- the creation or establishment of the particular game, contest, scheme, device;
- the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor;
- the solicitation or inducement of persons to participate therein;
- the actual conduct of the playing phases thereof;
- the arrangement of any of its financial or recording phases; or
- any other phase of its operation.

A person having substantial proprietary or other authoritative control over any premises shall be held responsible and charged with professional gambling if the premises is knowingly used for an unauthorized gambling activity.

### Player – RCW 9.46.0265

"Player," as used in this chapter, means:

- a natural person who engages, on equal terms with the other participants, solely as a contestant or bettor;
- in any form of gambling in which no person will receive or become entitled to receive any profit therefrom other than personal gambling winnings; and

- without otherwise rendering any material assistance to the establishment, conduct or operation of the social game merely by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises for the game, or supplying cards or other equipment to be used in the games.

A person who engages in "bookmaking" as defined in this chapter is not a "player."

**A person who pays a fee or "vigorish" enabling him or her to place a wager with a bookmaker, or pays a fee to participate in a card game, contest of chance, lottery or gambling activity, is not a player.**

## **CRIMINAL PENALTIES**

### **RCW 9.46.220 – Professional gambling in the first degree.**

Class B Felony: Maximum penalty – 10 years in prison and / or \$20,000 fine.

- Acts in concert or conspires with five or more people;
- accepts wagers exceeding \$5,000 during any calendar month; or
- operates, manages, or profits from the operation of a premises or location where persons are charged a fee to participate in card games, lotteries or other gambling activities not authorized by this chapter or licensed by the Commission.

### **RCW 9.46.221 – Professional gambling in the second degree.**

Class C Felony: Maximum penalty – 5 years in prison and / or \$10,000 fine.

- Acts in concert or conspires with less than five people;
- accepts wagers exceeding \$2,000 during any calendar month; or
- maintains a gambling premises or gambling records as defined in RCW 9.46.020.

### **RCW 9.46.222 – Professional gambling in the third degree.**

Gross Misdemeanor: punishable by not more than one year in jail and / or \$5,000.

- Activity does not constitute first or second degree;
- operates unlicensed activities in a manner other than as prescribed; or
- directly employed in, but not managing or directing any gambling activity.

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## **WASHINGTON STATE GAMBLING COMMISSION**

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Olympia, Washington 98504-2400  
**Street Address:** 4565 7<sup>th</sup> Avenue SE  
Lacey, Washington 98503  
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**This publication is available in alternate  
formats upon ADVANCE REQUEST.  
Please contact (360) 486-3458 or  
TDD (360) 486-3637.**

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**Washington State Council  
on Problem Gambling  
1-800-547-6133**